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April 11, 2017

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Honorable William Alsup
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 8 - 19th Floor
San Francisco, CA 94102

Re: *Waymo LLC v. Uber Technologies, Inc. et al.*, Case No. 3:17-cv-00939

Dear Judge Alsup:

This responds to Waymo's April 10, 2017 letter brief regarding the LiDAR device inspection. (Dkt. No. 206.)

Waymo is trying very hard to create an issue where none exists. Uber has one LiDAR prototype; it is called "Fuji." That is the device that was inspected by Uber's expert (*see* Dkt. No. 181 (McManamon Decl.) ¶ 14 ("I have inspected the Fuji system to confirm these differences")) and that is the device that was inspected by Waymo today. In addition, we made a separate Fuji optical cavity available for Waymo's inspection. At Waymo's request, we disassembled that optical cavity in Waymo's presence so that they could see for themselves that Uber's product is different.¹

Waymo has also requested to see the device that was "disclosed" to Nevada regulators. As we have explained, no Uber device has been disclosed to Nevada regulators. On March 15, 2017, Uber sent a letter to the Nevada Department of Motor Vehicles clarifying that any vehicles tested and certified by Nevada ATCF (an Otto subsidiary) that used LiDAR only used "commercially available" LiDAR. (*See* Dkt. 186-8; Chang Decl. Ex. 8.)²

The only other LiDAR prototype that might be responsive is a prior Tyto LiDAR prototype called "OWL" that is no longer in development.³ Today, that device was also made available for Waymo's inspection. In addition, we also made a separate OWL optical cavity available for Waymo's inspection.

Finally, yesterday, Waymo expanded its request to include any device mentioned by any declarant. (Dkt 206-1 at 3-4.) This would include a customized "dual stack" system that Scott Boehmke mentioned in his declaration. That prototype is located in Pittsburgh. If Waymo wants to travel to Pittsburgh to inspect it, we will make it

¹ Waymo separately requested inspection of LiDAR devices corresponding to a schematic previously produced by Uber [UBER00000727_AEO]. That schematic corresponds to Fuji.

² In preparing this response we noted that the Chang declaration incorrectly stated that this was a letter "from" the Nevada DMV. It is a letter "to" the Nevada DMV. A corrected declaration was filed today.

³ Waymo separately requested inspection of LiDAR devices corresponding to a schematic previously produced by Uber [UBER00005076_AEO]. That schematic corresponds to OWL.

MORRISON | FOERSTER

Honorable William Alsup
April 11, 2017
Page Two

available. As we have told Waymo's counsel, they will have an opportunity to confirm all of these facts in the upcoming depositions.⁴

Sincerely,

A handwritten signature in blue ink, appearing to read "Arturo J. González", with a stylized flourish at the end.

Arturo J. González
Counsel for Uber

⁴ Waymo further requested inspection of the device that makes use of the transmit board depicted in the Grossman Declaration. While Waymo has designated Exhibit 1 to the Grossman Declaration as AEO, outside counsel for Uber has confirmed to outside counsel for Waymo that the corresponding prototype was one of the two made available for inspection.